

Montana Transportation Commission

August 30, 2007 Meeting

Red Lion
Kalispell, MT

IN ATTENDANCE

Nancy Espy, Transportation Commissioner, Acting Chair
Kevin Howlett, Transportation Commissioner
Rick Griffith, Transportation Commissioner
Dee Winterburn, Transportation Commissioner
Jim Lynch, MDT Director
Jim Currie, MDT Deputy Director
Loran Frazier, MDT Engineering
Tim Reardon, MDT
Duane Kailey, MDT
Mick Johnson, MDT
Sandra Straehl, MDT Rail, Transit & Planning
Duane Williams, MDT
Kevin McLaury, FHWA
Mike Duman, FHWA
Lori Ryan, MDT

Please note: the complete recorded minutes are available for review on the commission's website at http://www.mdt.mt.gov/pubinvolve/trans_comm/meetings.shtml. You may request a compact disc (containing the audio files, agenda, and minutes) from the transportation secretary Lori Ryan at (406) 444-7200 or lravn@mt.gov. Alternative accessible formats of this document will be provided upon request. For additional information, please call (406) 444-7200. The TTY number is (406) 444-7696 or 1-800-335-7592.

OPENING – Commissioner Nancy Espy, Acting Chair

Commissioner Espy called the meeting to order. After the pledge of allegiance, Commissioner Howlett offered the invocation.

Approval of Minutes of the April 30, 2007 Regular Meeting, March 5, 2007 Conference Call, June 5, 2007 Special Commission Meeting, and Conference Calls July 9, 2007, and August 6, 2007.

Commissioner Espy presented the minutes from Regular Commission Meeting of April 30, 2007, and the Conference Calls of May 7, 2007, the Special Commission Meeting of June 5, 2007, and the Conference Calls of July 9, 2007 and August 6, 2007. She asked if there were any additions or corrections to the minutes. There were no additions, deletions, or changes made to the minutes.

Commissioner Griffith moved to approve the Minutes as presented. Commissioner Winterburn seconded the motion. All four commissioners voted aye.

The motion passed unanimously.

Agenda Item 1: Locally Funded Construction Projects on State and Federal System Routes in the Cities of Billings, Bozeman, Butte, and Prairie County.

Sandy Straehl presented the following:

Background: Under M.C.A. 60-2-111 “letting of contracts on state and federal aid highways” all projects for construction or reconstruction of highways and streets

located on state designated routes, including those portions in cities and towns, must be let by the Transportation Commission unless the Commission delegates its authority to the local government. This statute exists to ensure safety of our system, protection of transportation investments, and to encourage better coordination between state and local infrastructure improvements. MDT staff reaches out to local governments twice per year to solicit local projects on state systems to ensure compliance with this statute.

As a result of the most recent inquiry the following projects were identified:

- The City of Billings is planning a traffic signal on our State Highway System (Zoo Drive, X-56200).
- The City of Bozeman is planning to design and build transportation improvement projects on the State Urban Highway System at four locations (Willson Avenue, U-1209; Babcock Street, U-1208; South 11th Avenue, U-1203; Rouse Avenue, P-86).
- Bozeman is also planning on building a parking garage immediately adjacent to a State Urban Highway System route which will include betterments for passenger transfer on Mendenhall Street (U-1206).
- Butte is planning three mill and overlay projects on the State Urban Highway System (North Main Street, U-1801; Excelsior Avenue, U-1801; Dewey Boulevard, U-1821).
- Prairie County is planning a 5 mile long paving project on the State Secondary Highway System (MT Secondary 340, S-340).

The local governments have conducted public involvement processes on all of these improvements. As reported by the local governments, the public supports these projects.

Listed in Attachment “A” are locations, scopes, estimated costs, funding sources, anticipated letting dates, and the MDT district in which the projects are located. Also, attached are project location maps.

Summary: A total of ten roadway improvement projects are being developed by local governments on state designated roadways. All projects will be designed with input and concurrence from MDT staff. All projects will be competitively bid. On behalf of the cities of Billings, Bozeman, Butte, and Prairie County, as required by M.C.A. 60-2-111, staff is requesting that the Transportation Commission delegate authority to the cities and county to let and award the contracts for the projects listed in Attachment A.

Staff recommends the commission delegate its authority to let, award, and administer the contracts for these projects to the cities of Billings, Bozeman, Butte, and Prairie County, pending concurrence on the design plans from the Chief Engineer.

Informational Item

Sandy informed the Commission of another local project taking place in Park County on the State Secondary Highway System. This item does not need Commission approval as it is being completed using local work force. This project involves the stabilization of 0.2 miles of State Secondary Route 295 at the Mission Creek slide area, at an estimated cost of \$1.3 million. Park County is working on getting a grant to cover the costs of this project, and has been asked to coordinate project implementation through our District Office.

Commissioner Griffith moved to approve the locally funded construction projects on State and Federal System Routes in the cities of Billings, Bozeman, Butte, and Prairie County. Commissioner Winterburn seconded the motion. All four Commissioners voted aye.

The motion passed unanimous.

Agenda Item 2: Developer Funded Projects – Systems Impact Action Process – Bozeman and Gallatin County – Informational Only

Sandra Straehl presented the following to the Commission.

Background: The Systems Impact Action Process (SIAP) is MDT's coordinated review of projects initiated outside of MDT that may significantly and permanently impact the transportation system.

Goals

- Provide developers with a “one-stop shop” for access requests to and from the state's highway system.
- Facilitate a timely and consistent review of developer requests by various MDT offices.
- Ensure MDT's compliance with environmental process (MPEA/NEPA).
- Preserve the safe and efficient operation of Montana's transportation system.
- Protect the taxpayer's investment in transportation by recovering costs associated with providing access to Montana's highways from those who benefit directly.

Roles, responsibilities and timeframes

- All improvements are paid for by the developer.
- All improvements must receive approval from MDT's chief engineer (or designee) for compliance with state standards.
- The timing for any individual improvement is dependant on the developer's schedule and local land use approvals.

The following is a list of SIAP projects and associated improvements onto the state system for the City of Bozeman and the Gallatin County area:

1. Deaconess Health Services- Bozeman: Commercial and residential development on hospital property adjacent to State maintained routes.
 - Requesting improvements to the East Main St. (P-50) intersection with Highland Blvd. (U-1215).
 - The proposed improvements include the addition of turn lanes, widening of the road, improvements to intersection signals, curb and gutter, and pavement.
 - Requesting improvements to the Kagy Blvd. (U-1212) intersection with Highland Blvd. (U-1215).
 - The proposed improvements include necessary geometric improvements to the intersection and the addition of traffic signals if warranted.
 - Developer will fund all improvements – no State or Federal funds will be used.
 - MOU to be developed between Developer and MDT.
2. Black Bull Run Development – Intersection of Huffine Lane and Love Lane – Gallatin County: This development consists of a proposed 482 acre residential subdivision, including a private golf course, west of the City of Bozeman.
 - The development will access the State's system via existing local public roadways. The majority of the subdivision traffic will access Huffine Lane (P-50) at the existing Love Lane (L-16-712) intersection.

- Per Gallatin County conditions, the developer will improve the Huffine Lane (P-50) – Love Lane (L-16-712) intersection to accommodate the additional traffic generated.
 - Initial improvements include the addition of a southbound left turn lane on Love Lane and geometric improvements to the intersection.
 - The developer has agreed to perform additional studies in the future to identify if/when this intersection will need to be signalized.
- MDT, Gallatin County, and the developer have entered a formal agreement (MOU) describing the roles and responsibilities for both the initial and future developments.
- Developer will fund all improvements – no State or Federal funds will be used.
- Per the MOU, the developer's design plans must be reviewed and approved by MDT prior to initiating any improvements on the State's system.

Summary: Developers are requesting access to state maintained routes from MDT for a total of three roadway improvement projects in the Bozeman and Gallatin County area. The developers will fund all improvements and no State or Federal funds will be used. Memorandums of Understanding will be obtained between the Developers and MDT. All of the projects will be designed with input and concurrence from MDT staff.

This item is for informational purposes, no action was required.

Agenda Item 3: MDT Bridge Inspection Report

Director Lynch presented the MDT Bridge Inspection Report. Based on the bridge collapse in Minnesota, Governor Schweitzer asked if Montana had any of that type of bridge and requested a report on the bridge inspection program in Montana. A copy of that report was presented to the Commission.

He stated that the Montana Department of Transportation inspects a little over 5,000 bridges. Half are county bridges, half are bridges owned by the State. There are 10 deck-truss bridges in Montana; nine are either state or county and the tenth bridge is the Forest Service Bridge over Lake Koocanusa northwest of Kalispell. The MDT bridge team put together a plan and inspected all nine of the deck-truss bridges in one weekend. Montana bridge inspections are on a two-year cycle. The only bridges that would be on a longer cycle would be the newer bridges which are on a four-year inspection cycle. Some bridges are inspected sooner depending on what was found in the inspection process, i.e., there may be elements of a bridge that are looked at every six months or every year. In addition to the normally scheduled bridge inspections MDT maintenance crews are attuned to the bridge conditions and are constantly looking for things that are not normal or out of place. When they find something they notify the bridge coordinator in that district and review the information and re-inspect the bridge.

Director Lynch stated he was very confident in the report presented to the Governor and felt the State of Montana has a good bridge inspection program. There is a quality control and quality assurance program within the department to make sure the bridge inspectors are full-time bridge inspectors. The bridge section of MDT has 41 employees.

Prior to 2004 there was a peer review with Federal Highways that looked at the Montana bridge inspection programs and some recommendations came out of that review. It was given to the Legislature in 2005 and MDT hired 10 new bridge inspectors and two structural engineers and added two snooper trucks to inspect the bridges. Because of that MDT was able to get all Montana's bridges on a two-year

cycle. In addition to that one of the bridge inspectors was invited to travel to Europe to look at bridges in Sweden, Finland and Denmark and brought back some best practices. Their bridges are much older than those in the United States and have been standing for a long time. That was quite an honor for Montana because they only selected people from good programs. For MDT to be picked to be part of that team was quite a tribute to the State of Montana Bridge Program. He felt very confident that our bridges are in good shape.

There are some structurally deficient bridges and some functionally obsolete bridges. That does not mean the bridges will fall down; the program determines what the repair need may be. "Structurally deficient" is a bridge whose deck may need to be repaired or may need some scaling on some steel structure or some superficial cracking, or loose rivets. "Functionally obsolete" means the bridge is narrow. It was probably built in the time where traffic was far less than it is now and there have been improvements to the road that may have widened the road or made the road more efficient than the bridge itself, so it becomes functionally deficient. Those two terms are important because it qualifies the bridge program for certain types of federal funding. It does not mean the bridge is dangerous to drive on. If it reaches that point, there are some things that can be done – restrict the loads, reduce the gross weight of vehicles traveling on the bridge, or close it. If it reaches the point where a bridge is not safe for motorists to travel on then the bridge will be closed. He felt very confident after spending three good days in the field with those bridge inspectors on nine bridges that the Department of Transportation in good hands with our bridge inspectors. They know what they are doing and are very thorough.

Deck truss bridges are the old steel truss bridges. They are old; the oldest one was built in 1928 is at Tarkio. The big bridge is the one at Two Medicine at the crossing to East Glacier. That bridge is scheduled for replacement. Plans are coming out on that bridge and it could come back as a deck truss bridge or a different type of bridge.

Commissioner Howlett noted that the bridge at Bozeman had been scheduled to be done. He asked if that was a deck truss bridge. Director Lynch said that was not a deck truss bridge. The one closest to Bozeman would be the bridge crossing at Gardner into Yellowstone Park. There is also a deck truss bridge at Two Medicine, one at Thompson Falls, one at Tarkio, one at Alberton, and one at Troy.

Director Lynch felt it was important to let the Commission know what was found and give them a copy of the report that was prepared for the Governor. He stated the bridge inspectors gave up their weekend to assure the Department of Transportation and the motoring public that those bridges were ok. He was thoroughly impressed with their commitment. They did not find anything in the inspections that had not been previously detected. MDT decided that even if the bridges had been inspected in April, they should be inspected again. We felt that was wise. We kind of led the country in that respect. Shortly after that Secretary Peters of the U.S. Department of Transportation advised all states to re-inspect their deck truss bridges.

Commissioner Espy said they appreciated the report and it would be placed in their permanent file. Director Lynch said there were definitely bridge needs in Montana and areas that need to be repaired but Montana bridges are in good shape. Commissioner Espy said once again it shows the dedication of the Department of Transportation and thanked Director Lynch for that commitment.

Agenda Item 4: Steel Bridge Rehabilitation - Statewide

Sandy Straehl presented the following to the Commission:

Background: MDT Staff is requesting commission approval for preliminary engineering for a statewide steel bridge repair and rehabilitation project. Welded steel bridges constructed in Montana between the late 1950's and the early 1970's have been identified as having fatigue prone details that were not well understood at the time of their design. Bridge engineering staff started studying the fatigue problems with welded steel bridges on a statewide basis when full-depth cracks repaired on interstate bridges in the Bozeman area highlighted this issue.

Bridge engineering staff conducted a screening process for Montana's existing welded steel bridges that evaluated several factors including bridge type, average daily traffic (ADT), and the age of the bridge. The screening process identified 34 bridges that may be candidates for treatment. A list of the 34 candidate bridges is attached.

This project is intended to inventory the fatigue prone details on the bridges to facilitate a course of action for each bridge. Staff anticipates that where warranted, most of the bridges will be retrofitted and rehabilitated as part of the scope of this project. If, during the engineering evaluation of the bridges, structures are found that require more in-depth rehabilitation or replacement, separate projects will be developed for those structures.

The funding for the project will be Interstate Maintenance (IM) and Bridge (BH) funds through the Steel Bridge Program. Total estimated project costs are \$4,826,750 which consists of \$561,250 for preliminary engineering, \$224,500 for construction engineering, \$4,041,000 for construction and \$526,750 of indirect costs.

Summary: MDT staff is requesting approval of a preliminary engineering phase in the amount of \$561,250 to address fatigue problems encountered statewide with welded steel bridges. MDT staff has identified 34 bridges through a screening process that are candidates for treatment. This project will allow staff to plan a course of action for each bridge. Staff anticipates that most of the candidate bridges will be retrofitted and rehabilitated as part of the scope of this project. The Steel Bridge Program has funding available for construction in 2010 in the Tentative Construction Plan.

Staff recommends the Commission approve the addition of this project to the program.

Commissioner Howlett moved to approve the Steel Bridge Rehabilitation Statewide. Commissioner Griffith seconded the Motion. All four commissioners voted aye.

The motion passed unanimous.

Agenda Item 5: 2009 Pavement Preservation Projects Rehabilitation Projects

Sandy Straehl addressed the commission as follows:

Background: MDT staff is requesting commission approval of 34 pavement preservation projects that need to advance to preliminary engineering (PE) to ensure delivery in 2009. The total estimated cost of PE for these projects is \$1,083,187. The projects are consistent with the preservation element of the Performance Programming (P3) analysis approved by the Transportation Commission on September 14, 2006.

In addition, MDT staff is requesting commission approval of the addition of three rehabilitation projects to the construction program. These projects will be funded with Interstate Maintenance (IM) funds. The total estimated cost of PE for these projects is \$982,187.

All of the projects have been nominated by the districts and reviewed for appropriateness of the scope of work. In addition, MDT has addressed public involvement by placing the list of the proposed projects on the MDT Internet website.

1) 2009 Pavement Preservation: The projects will be funded with the following sources: Interstate Maintenance (IM), National Highways (NH), Surface Transportation Program Primary (STPP), and Surface Transportation Program Secondary (STPS). The table below reflects the total cost per program for the attached list of 2009 pavement preservation projects.

<i>Funding Source</i>	<i># of Project</i>	<i>Total of PE,CE,CN</i>
IM	8	\$12,344,126
NH	7	\$8,280,675
STPP	8	\$8,688,140
STPS	11	\$7,968,612
Total	34	Total \$37,281,553

2) Rehabilitation Projects: These projects will be funded with Interstate Maintenance (IM) funds. The table below reflects the project name, location and total cost.

UPN	Project	Scope	Route	Ref. Points	Total of PE, CE, CN
6531	I-15: Augusta Int. to Hardy Creek (Corridor)	Rehab	I-15	229.1-247.8	PE only \$898,000
6531-001	Dearborn-Hardy Creek	Rehab	I-15	241.6-247.8	CE & CN \$10,186,686
6532	Glendive-East & West	Rehab	I-94	210 – 217.9	PE, CE, CN \$8,390,687
					Total \$19,475,373

Summary: MDT staff is requesting Commission approval to add 34 pavement preservation projects to the program for delivery in 2009. The projects have been nominated by the districts and reviewed for scope of work. The projects are consistent with the preservation element of the Performance Programming (P3) analysis approved by the Transportation Commission on September 14, 2006. Approximately \$1 million will be needed for preliminary engineering and a total estimated construction cost of \$37.3 million (including indirect costs). These projects occur in the Missoula, Butte, Great Falls and Glendive Districts. The Billings District has no new nominations for 2009 as they have moved existing pavement preservation projects forward.

MDT Staff also requests commission approval for the addition of three rehabilitation projects to the construction program. Approximately \$1 million will be needed for preliminary engineering and a total estimated construction cost of \$19.5 million (including indirect costs). These projects occur in the Great Falls and Glendive Districts.

Staff recommends the commission approve the addition of these projects to the program.

Commissioner Griffith moved to approve the 2009 Pavement Preservation Projects/Rehabilitation Projects. Commissioner Winterburn seconded the Motion. All four commissioners voted aye.

The motion passed unanimous.

Agenda Item 6: State Funded Construction Project. Evergreen Fire Department Signal – Kalispell, 17 MI NW of Terry – NW-Fencing

Sandy Straehl addressed the Commission as follows:

Background: MDT staff is requesting the Transportation Commission approve the transfer of funds from the Surface Transportation Program-Primary (STPP) funds into the Interstate Maintenance (IM) program as per MCA 60-3-205(5)(a).

On March 5, 2007 the Great Falls District submitted a request through the Priority Change Committee to change their 2007 Pavement Preservation priority. Their priority was the Hays to Ft. Belknap project which was scheduled for a March 2007 letting. The District has been unable to obtain a Memorandum of Understanding (MOU) with the Fort Belknap Reservation. As a result, this project has been moved out of fiscal year 2007, thus freeing up \$3,756,427 in 2007 Pavement Preservation funds. The district has identified four other pavement preservation projects, whose design is complete, to substitute for this project.

The District is proposing to use the available 2007 Pavement Preservation STPP funds to construct the following four projects:

Valier- East – P-44	\$446,425
Main Ave.-Choteau – P-3	\$482,788
Cascade-Ulm – I-15	\$1,067,676
Great Falls – Urban – I-315	<u>\$1,104,737</u>
	*\$3,101,626

* A cost savings of \$654,801

The Priority Change Committee approved the request to use the available 2007 Pavement Preservation STPP funds for these four projects. However, two of these projects are on the Interstate system, (Cascade – Ulm and Great Falls – Urban), and transferring the STPP funds in the amount of \$2,172,413 into the Interstate Maintenance (IM) program, requires Transportation Commission Approval.

Summary: The Priority Change Committee has approved the Great Falls District’s request to replace the Hays to Ft. Belknap 2007 pavement preservation project with the four projects proposed by the District using STPP funds. Two of these projects are on the IM system and staff is requesting approval from the Transportation Commission for the transfer of \$2,172,413 of STPP funds into the IM program to construct these two IM projects.

Staff recommends the commission approve the transfer of funds from the STPP program into the IM program for the construction of these pavement preservation projects.

Commissioner Howlett moved to approve the State Funded Construction Project Evergreen Fire Department Signal – Kalispell, 17 MI NW of Terry – NW-Fencing. Commission Griffith seconded the motion. All four commissioners voted aye.

The motion passed unanimous.

Agenda Item 7: Intersection Improvement – Traffic Signal Junction of US 93 (N-5) and MT-82 (P-82)

Sandy Straehl addressed the Commission as follows:

Background: MDT staff is requesting the addition of a traffic signal at the junction of US 93 (N-5) and MT 82 (P-82) at reference point 104.225. This intersection has a high volume of traffic and has been the sight of a recent pedestrian fatality. The proposed project consists of a new traffic signal with advanced warning lights and ADA improvements.

MDT proposes using use Surface Transportation Program Primary (STPP) funds. The proposed project's total estimated cost is \$561,250 consisting of \$44,900 for preliminary engineering, \$44,900 for construction engineering and \$449,000 for construction. The total estimated project costs include \$22,450 for incidental construction and \$61,250 in indirect costs.

Summary: The project is being designed to address safety concerns at the intersection of US 93 (N-5) (RP 104.225) and MT-82 (P-82). This project will include the installation of a traffic signal for an estimated total cost of \$561,250. The project will use STPP funds and has an estimated let date of October of 2008.

Staff recommends that the Commission approve the addition of this project to the program

Discussion

Director Lynch stated that this was an intersection that the Commissioners drove by on their tour of roadways in Western Montana. He gave a brief history of what goes on with signalized intersections. The State of Montana uses all signalized intersections on highways throughout the state. MDT looks at accidents that are happening and their frequencies and determine if they need new intersection improvements or whether a traffic light needs to be installed based on a lot of things, i.e., development around a particular intersection that didn't happen prior to putting the roadway in.

MDT looks at the net reduction in accidents that any improvement will make. If the improvement to an intersection does not have a net reduction then the public is better served by not making any changes. In some respects it seems insensitive but when you are looking at it globally, we are trying to save lives. A lot of times communities have a misperception that a signal will prevent both types of accidents, but they simply don't. Inattentive driving at signalized intersections will cause a certain amount of accidents. Statistically we know that based on the ADT traffic counts as well as the speed of the roadway, we can predict based on what we think future development will be and come up with a pretty good assumption of what type of accidents that particular intersection will have. We compare that with what is currently happening at that intersection and if there is a net reduction or benefit by making an improvement, then we move forward with the safety project.

That is the current case with Hwy 82 and 93 – considerable development has happened in southern Kalispell. There will eventually be a bypass that will intersect US 93 just north of this. There are subdivisions in the planning process currently just east of this intersection on Hwy 82. The Department of Transportation put this intersection under review about a year ago to see what we could do to improve the safety of that intersection. It has been recommended by our traffic safety office that we signalize this intersection.

Commissioner Howlett said the Commission had the opportunity to stop and actually have some dialogue about that intersection yesterday. In addition to the signal there are some speed limits on the agenda today that are associated with this intersection. Commissioner Espy stated they recognized the need for the signal because there have been some very aggressive drivers making the turn and it is really dangerous. Director Lynch said there would be some inconveniences to the motoring public because of the light. Traffic will have to stop at the light. The free right turn off of

U.S. 93 will be removed MDT feels that because of the current development going on now and in the future it made good sense to make these improvements now.

Director Lynch said that Gail Chatuck, from Somers, was very interested in the outcome of the Commissioners decision on the intersection. She is the mother of a 14-year old boy who lost his life at this intersection about two months ago. He asked Commissioner Espy if she would mind giving her a call to let her know what the decision was. The Commission agreed and they made the call.

Commissioner Howlett moved to approve the Intersection Improvement – Traffic Signal Junction of JS 93 (N-5) and MT-82 (P-82). Commissioner Winterburn seconded the motion. All four Commissioners voted aye.

The motion passed unanimous.

Agenda Item 8: Informational Presentation on Setting Speed Zones

Loran Frazier provided an informal presentation on the methodology used to arrive at speed zone recommendations. The Commission was given a research digest containing a brief summary describing the method and practice for setting speed zones.

Duane Williams, State Traffic Engineer, gave a presentation on the method of a speed study. The objective of the informational presentation was to explain how traffic and engineering investigation was performed. What happens when a request was received and also to explain some of the speed statistics and technical terms used.

Why set speed zones? The simple answer is because it is the law found in Section 61-8-309, MCA, and because of the Uniform Traffic Control Devices Manual. It is a federal publication used in all 50 states that explains how to set speed zones.

There are three criteria spelled out in the Manual. The first is the “Standard”. Standards for the traffic control devices on all roads. One standard is that a speed limits need to be set in five-mile per hour increments, i.e., 45 mph not 47 mph; it has to be in five mph increments. Another standard is that stop signs need to be red. Another standard is that an engineering study has to be done to set speed limits to promote uniformity. There are also “Recommendations” in the manual. Recommendations mention that a speed limit is recommended to be established within five mph of the 85th percentile speed. It also recommends the speed limit be re-evaluated every five years. There are also have optional factors that can be considered in looking at a speed limit: crash history, pace speed, road characteristics, horizontal curves, vertical curves, shoulder width, development along the road, also parking and pedestrian activity.

Speed zone requests come several different ways: through local officials, through the Director, the Chief Engineer or District Administrator. MDT’s Traffic Engineer is assigned the duty of performing the traffic and engineering investigation for a speed zone. The first thing done is to meet with the requesting party, the local government and the city officials. There are several reasons for that; to determine the limits of the speed zone, and to understand why the request was asked for. Next we collect speed data and there are several ways to collect that data. One is by putting tubes across the road twelve feet apart to measure the speed of the traffic. Those tubes are very effective and have the ability to segregate vehicle type: motorcycle, truck, passenger car. Another way to collect speed data is by radar with a radar gun. Statistically once you radar 100 vehicles your statistics aren’t going to change and that gives a pretty good representation of how fast vehicles are traveling in that area.

Next we meet with the local governments, and determine the locations for collecting data. We make sure to collect speed data any time there is a change in roadside development. After the speed data is collected, a straight line diagram is drawn which is a pictorial representation of the road. It contains all the signs on the road, any curves or grades, the roadway width, the number of lanes, the type of median, and also the location where speed data was collected – the number of vehicles, the 85th percentile, and the pace. That gives a quick look at what the speeds are doing.

Going back to the options factors, when a speed study is done the first thing is to look at the crash history of the road to see if there is a crash trend that can be easily fixed, i.e., putting up some curb warning signs or recommending a traffic signal.

Commissioner Howlett stated there were roads in the State that have no crash data particularly roads on the Reservations. Director Lynch said yes as well as some counties or cities, but the information on every fatality is reported to the Department of Justice. Commissioner Howlett said in looking at trying to keep the motoring public safe, there are some isolated areas in the State where more data is needed. He commended Director Lynch for the initiatives put forward by the Department in the statewide traffic safety study. He said that was something the Commissioner has been working on for several years so the roads can qualify for the safety improvements.

Duane Williams said they also look at the pace speed. It is the ten mph increment the majority of people are traveling. We like to have a great percentage of people in that pace. Road characteristics and the design speed of the road are also looked at. The horizontal and vertical alignment and how fast people are traveling versus how fast the curve was designed for is also looked at. Roadside development is looked at – how many houses and businesses are along the road, is there potential for new businesses to come in. Parking activity and how it associates with the vehicles traveling through is looked at as well as pedestrian activity and how many are crossing the road and the desire for pedestrians to cross the road.

Once all that is gathered, a recommendation is made for what the speed limit should be. That report is sent to the district office and they present it to the local governments and give them a response time. They can either agree with it or suggest something different. A compromise may be agreed upon then it is brought before the Transportation Commission.

To explain the 85th percentile, he presented a graph to the Commission. The 85th percentile is the speed 85 percent of the vehicles are traveling or below. The 50th percentile would be right in the middle – half traveling slower and half traveling faster. The pace is a 10 mph increment showing how fast the majority of the traffic is traveling. An optimal condition would be where 70 percent of the people are traveling in the 10 mph pace, 15 percent are at the bottom end of the pace, and 15 percent are above the top end of the pace. Sometimes the pace can be less than the 85th percentile and the vehicles are spread out more. An example is when the speed on US 93 was sampled; some people didn't realize all the development and they would fly right through at 70 mph, and yet there were quite a few people lower also. So the speed was really spread out. When the bell curve is like that, it causes a red flag.

Why do we use the 85th percentile? He presented a graph showing the cumulative percent of vehicle speeds. If the speed limit is set beyond the 85th percentile speed, the number of drivers exceeding the speed limit is only at 15 percent. If you set it below the 85th percentile then about half the drivers would be in violation.

There was a question as to how it affects safety. Loran Frazier said if you set the speed too low you will have a percentage of people who follow that but the majority of the people will drive faster. If they follow a slower driver, they get frustrated and

make bad passes and more aggressive maneuvers and the accident rates go up. If you set the speed too low you will actually have the reverse affect on safety because of aggressive driver movements.

Duane Williams showed some before and after slides of speed limit changes, i.e., Foy's Lake Road, Trout Creek, Fairview West, and Gallatin Canyon. He presented a chart on crash studies across the nation that showed if you travel too far below the 85th percentile your chances of getting into an accident increase or if you travel above the 85th percentile your chances of getting into an accident increase. Traveling in the pace area is the safest speed to travel and the chance of getting into an accident are greatly reduced.

MDT also has advisory speed limits. Rather than setting a full speed limit, we advise people to drive a certain speed around a curve. He explained the "bubble" MDT uses to tell the advised speed to travel around a corner.

Formal Introduction of Kevin McLaury

Director Lynch formally introduced Kevin McLaury, the new director of Federal Highways. He told the Commission that Kevin had been here since July and has already developed a good working relationship with MDT and stated he was encouraged by his enthusiasm and knowledge of the system. He understands particulars of different states and is a great addition to Federal Highways and the State of Montana. Commissioner Espy welcomed him to Montana.

Public Comment Period

Dale Lauman, Flathead County Commissioner, thanked the Commission for the opportunity to appear before them. He thanked the Commission for approving the traffic signal at Hwy 82 and US 93. He said the community will be very pleased to see that progress has been made towards that. He encouraged the Commission to adopt the speed limit between Lakeside and Somers that was requested.

Dan Regan addressed the Commission. He said that his family spends about four-five months a year in the Flathead. He was at the meeting at Somers regarding the traffic signal and he thanked the Commission for approving the installation of the traffic signal. The speed and the enforcement along Hwy 93 is a serious problem. There is no enforcement and we don't know how to go about the next step. The Highway Patrol is not under the Commission's jurisdiction. There is a need for some enforcement and coordination with the Sheriff's Department in Lake County or Flathead County. I drive the highway every day and only see one patrolman. Mr. Lynch indicated at any one time there may be only be 30 patrolmen on duty across the State of Montana. We had an incident in our family this summer – there was a head-on collision just south of our cabin and it took 40 minutes for the first Highway Patrolman to get to the accident because only one patrolman was on duty in the area. That is not satisfactory. We are trying to figure how to work with you and possibly the enforcement people in Lake County and Flathead County to get a presence on our highway to slow the speeds down. Between Anaconda and Georgetown Lake they've reduced the speed limit to 25-35-45 mph and it is enforced by the local deputy sheriff. There is somebody there most of the time and you don't dare drive through that area above the speed limit and everybody knows that. Why can't we do that here? How do we arrange that kind of situation on Hwy 93? We've got to get this thing under control. Unless we have enforcement, whether you set the speed limit at 45 mph or 55 mph or 25 mph, I can guarantee you that the tourists flipping through there every summer are not going to adhere to that speed limit. If you have a sheriff with that light blinking every 45 minutes or so, I'll guarantee you they are

going to slow down. Loran mentioned earlier that people get impatient if the speed limit is set too low, but if you drive that highway very often you see the chances people take it is absolutely scary what those people are doing on that highway.

So what do we do to get some enforcement? I know it is not as bad in the winter as it is in the summer months, but what can we do together, between yourselves and the local officials and the Highway Patrol, to figure out a way to get some presence on that highway? If it is budgetary then you can only have so many patrolman, but could we work with the counties to get some kind of mill levy or something else to get two or three more people working these heavily trafficked areas up to a level where we can enforce what you set as a speed limit. What do we do?

Commissioner Howlett said one thing the Commission has done before is that once a speed limit is established, they have asked the Director to send notice to both the Attorney General and the local jurisdictions and even set up a meeting to tell them what the Commission has done and request their help to enforce it. While the enforcement of speed isn't under the Department's direction, it carries a lot more weight coming from the Director than from an individual. Commissioner Griffith said that was always one of the major concerns when the Commission contemplates reducing speed. Chairman Espy is always asking who is going to enforce it. That is her common question with every request. He stated that one of the things he found interesting in Missoula County was the creation of a citizen group who take it upon themselves to inform local people that the speed was reduced. A lot of times it is the local people who are speeding and they don't like to get ticketed. So it is a matter of public education using the media like newspapers and other things. He felt there was a shortage of patrolman in this State. Two legislative sessions ago they created an opportunity to increase the number of patrolmen and the additional patrolmen just came on in July and will be concentrated in the highest accident areas initially. Lake County is going to get one and Gallatin County is going to get one. St. Ignatius is a good example, you don't speed through St. Ignatius or you are going to get nailed. It has become kind of become a revenue stream for St. Ignatius. We don't want to create a speed trap, but there has to be local commitment to enforcement. At the bottom of Elvado Hill just in the last couple of weeks with the Black Cat Fire, the county was pulling over an awful lot of people who were going faster than the speed limit allowed through that zone. So it is a combination of public awareness, public education, and then some agreements that the county can bring forward to its elected leadership.

Commissioner Espy spoke about the county's responsibility in the speed issue. It is a very serious issue. Eastern Montana can go many months without a patrolman. So the burden falls on the County Sheriff who has only two deputies. If there is an accident and the sheriff is called, they have to come from an adjoining county. Understand with the Highway Patrol, when their eight hour shift is up then the eight hours is up and they don't come. They do not pay overtime and they don't want to pay overtime. So it falls to whichever county can send a patrolman. So the County Sheriff is there doing traffic control, calling ambulances, seeing that people get help, seeing the highway gets cleared, and that the scene is preserved for the Highway Patrolman when he gets there. Counties in Montana are not compensated by any of the Highway Patrol work that we do. It is a very serious problem not just in Eastern Montana but in Western Montana too, Montana does not have enough patrolmen covering it. The driving public has a tremendous responsibility to understand that they might be the next victim. The education programs have been excellent. Our Sheriff is trying to give more attention to high school students who are just beginning to drive and hopefully it will make better drivers out of them. With any speed study request I always ask if there are enough deputies for that particular stretch of road that needs attention, and they have to be there constantly and absolutely writing the tickets. The patrolman in Ashland has been there for years, and has people so well trained that you never see a truck going more than 25 mph. I wouldn't dare go through Ashland faster than that. My husband did one time and got a \$35 fine and

because it was in the city limits we got a \$100 increase in insurance so we've learned the hard way, but they have us trained. So I hope we can help your situation by perhaps going to the Legislature explaining in more detail so they understand our needs for more patrolmen. Money is the guiding force. So we appreciate your problem.

Dan Ragan complemented the Department for the public safety campaign because it increases public awareness but if it isn't enforced and if you don't follow through with drunk driving. In our case there were five guys in the car when the accident occurred and only one stayed at the scene who was so drunk he couldn't even walk. The other four ran up into the hills. They couldn't figure out who the driver of the car was because the kid wouldn't tell. That is an example of what happens when you wait 40 minutes for someone to get to the scene of an accident. There will never be anything resolved in this situation. He asked the Commission how he could work with them to get a team to work together to figure out how to get one or two more people on this highway whether it is a Sheriff or a Highway Patrolman to create a presence along this stretch of highway. How do we put together a task force to get a presence on this stretch of highway?

Commissioner Espy suggested that he get together with Director Lynch who is very concerned about this. He and Loran Frazier will help as much as they possibly can. She asked that Director Lynch get word back to the Commission on what was decided. Director Lynch said he would be glad to do that. Dan Regan said he would be happy to work with Director Lynch to get something started to get more presence on the highway.

Commissioner Winterburn said that when you want something done it is important to work as locally as possible. Work in your own community with your own group to get your Sheriff to hire another deputy to be a presence on the highway. If you are willing to pay for more protection, you will probably get it – just in your own community.

Judy Regan said she would be most happy to be deputized to go after some of these people. Have you ever tried to catch a license plate –we have the worst set of license plates now in the State of Montana; they are so flowery. I've tried to catch the license plate number but you can't catch it fast enough because there is either an elk in the middle of it or a flower or something. It used to be clear and white and you could read the numbers but now you can't read it fast enough to get the number.

Director Lynch stated that the Department obtained a grant from the National Highway Traffic Safety Administration that will start this January to allow the Highway Patrol to hire an additional eight patrolman. They will work closely with us and local communities to identify high hazard areas, i.e., high alcohol use or speed. These eight officers will actually work the whole state and will move around at different times of the year. There is also a step program that pays for overtime for police officers. He stated it was difficult to hire additional officers due to budget constraints but MDT was able to secure federal funding for local communities to pay law enforcement officers overtime. That program has been very successful. We have 57 agencies involved through this Labor Day Weekend participating and putting officers on the payroll using federal dollars in an overtime status.

It is an issue of law enforcement in the State of Montana. Ultimately it is the driver's responsibility to drive appropriately. There are efforts within the Department of Transportation working collectively with the local governments and the Highway Patrol to increase enforcement in areas where it is needed. The department certainly encourages more law enforcement and legislation that would create more law enforcement. To bring it into perspective, the State of Montana covers 146,000 square miles and with only 200 Highway Patrolmen. The State of Massachusetts has just under 8,000 square miles and has 2,500 Highway Patrolmen. So that tells you

what Montana has as far as coverage from a state law enforcement level compared to more heavily populated states. For every penny of gas tax we raise just barely seven million dollars, a State like Ohio raises almost seventy million -- funding is a reality in this.

Our Comprehensive Safety Plan goes into the communities and identifies high hazard areas. We inform the public in their area what is happening in accidents, not just fatalities but accidents in general, and what they can do as responsible drivers. With the Open Container Legislation we are starting to see a decrease in alcohol related fatalities. It is a cultural change that is taking place and as our communities are starting to understand that "blow and go" type driving isn't culturally acceptable. We are doing our part in making our roads a little bit safer. The Graduated Driver's License law was passed two sessions ago, which puts parents back into the responsibility of teaching their kids how to drive and make them accountable for their children's performance. That will also help in some of the behavior we are seeing in the 18-24 year old group, which is one of our high statistical areas for accidents in the State of Montana.

I'm encouraged that these members of the community want to get involved because that is necessary. Commissioner Winterburn's comments are exact -- they can make a bigger difference dealing with their County Attorney, their Local Sheriff department, and their local Captain of the Highway Patrol. The Department is very happy to go to all four corners of this State to help any community with statistical information and federal funding availability they can use. We will do everything we can to make that happen.

Dan Regan thanked Director Lynch for coming to the meeting in July after the fatality at the intersection of Hwy 28 and US 93. He traveled all the way from Helena to attend that meeting in Somers and we were very grateful for what he did. The County Commissioners were very grateful for his support and I wanted to let you know how grateful we are for what he is doing.

Cindy Burns, Northern Cheyenne Tribe – Speed Study Request

Ms. Burns stated she had been elected to come talk to the Commission and thanked them for hearing her. There was a letter that went out in March, 2006, regarding a Fee Study conducted on Hwy 212 west of Lame Deer, beginning at the Fireside for an approach to the proposed transfer station right on top of Lame Deer Hill that is being constructed as we speak. It is one mile of Hwy 39 and Hwy 212 intersection of Lame Deer. We are requesting a speed study for the safety of the community due to the location and the high rate of passenger vehicles and semi-trucks that utilize US 212 and based on the Montana Department of Transportation's recommendation that a 55 mph speed limit is sufficient for the proposed approach.

This letter was sent March, 2006. We asked Mr. Ray Mengel to keep us informed of the progress of this request but we haven't received any feedback from him at this point. We have a directive from our Tribal President based on a visit from the transportation consultant, we need to move forward on this and our own road signs from Muddy Creek turnoff area through the residential area stretching to the solid waste transfer station above Lame Deer Hill. I think we should decrease the speed limit from 70 mph to 60 mph along with signs for residential area and dangerous approach half a mile on each side of the Muddy Cluster. Muddy Cluster is a subdivision a couple of miles from Lame Deer going east. I just called the housing authority and they have approximately 70 homes in the Muddy Cluster area with approximately six people in each home.

From the Muddy Cluster area to the canister site that is being constructed, there are 41 homes along Hwy 212. We have many pedestrians who walk from Muddy Cluster to Lame Deer on a daily basis and they average about 100 people per day. A person

stated this morning that when he came through there were six people on the road walking to Lame Deer and a couple of ladies with baby strollers. There are also a lot of college students coming from the Muddy Cluster area also.

I'm here to try and get some signage up – residential area signs, reduced speed, dangerous approach, school bus signs. We have no school bus stops anywhere in the area and no signs. We had a safety audit that was done by the tribal technical college out of North Dakota and we are waiting for the results on that study. We have a lot of truck traffic and a lot of buses are coming through now. As I was coming to Kalispell I noticed quite a lot of signs everywhere. When you come onto the Northern Cheyenne Reservation it is not like that. We have signs that say “entering the North Cheyenne Reservation”. Different towns have welcome signs, i.e., welcome to Hardin. When you come onto our reservation it says “entering Northern Cheyenne Reservation”. We would like your support in trying to help our reservation get some signs up. I don't know how long it is going to take, this started in March of 2006.

Commissioner Espy said they would look into it. She asked who wrote the letter to Ray Mangel. Ms. Burns said it was written by the President of the Tribe. Commissioner Espy said that the Commission would look into that. She stated that the welcome signs in communities are not put up by the department; they are put up by the Chamber.

Commissioner Howlett said that in some instances CTEP funds are used. He thanked Ms. Burns for making the trip to Kalispell. He applauded the Tribe for wanting to do something about a dangerous situation. To the extent we can have some signage and other things I think we should move forward on that. On the greater issue of signs, you've no doubt seen a lot of signs coming through the Flathead Reservation both in Salish and in English. Those were contemplated and requested in a Memorandum of Agreement that was signed with Federal Highway and the State on the US 93 project. When talking about projects that cross Indian Reservations, I would like to see the same opportunity be given that was given to Flathead in terms of the cultural history of this State and being able to expose the traveling public to that history. I think it makes good sense and it is something we all share and certainly the homelands of the Northern Cheyenne people are as cherished to them as the homelands as the Salish people are to them. People who travel through those areas are enriched and better educated about Montana when we take time to do that. We will find out why there hasn't been a response, but certainly the request for a speed study indicates the Northern Cheyenne have recognized the importance of the threat to safety that is posed.

Ms. Burns stated the Reservation has two counties that are involved – Big Horn County and Rosebud County.

Commissioner Griffith asked Director Lynch if the Tribes were eligible for CTEP funds. Director Lynch said they were. Commissioner Howlett said most of the welcome signs are a product of the CTEP program and those funds were available to the Tribe for welcome signs. He agreed with Kevin's thought about the signage regarding the culture of Montana but noted it takes a project to do that. When they bring the project up to current code or criteria, then they go in and make the new changes. I would also suggest that if they are doing a road project, it would be appropriate to do signage similar to what they did on US 93. Ms. Burns asked who she should speak with in regards to the directive to put signs up. Director Lynch said he would be happy to follow up on this and bring it back to the next Commission meeting.

Director Lynch said that if any community, including tribal communities, wants to put up signs, there is a process for making the request for signs to the department. That is the only way we know there is a request for signs. It has to say what the sign

is, what the requested wording is, and the location of the sign. It goes before a sign committee that either approves or disapproves it. If they disapprove it, then it comes to my office to make the final decision. I've not seen anything yet from the Northern Cheyenne Reservation on that area. I'll follow up on that and I'll also follow up with the speed study.

One thing the Department and the Commission needs to be commended for is that in the last three years this Commission has approved more reductions in speed on our state highways than the last 12 years. This is something we take very serious. I'll follow up with Mr. Mengel to see what happened with the request. The refuge area is something I know about and we had some concerns and recommendations to the Tribe that this may not be the best location for that refuge area for safety concerns. I know we've had dialogue with the Tribe one this issue and the information on the speed may have also happened during that time period. I need to do some research with personnel and come back to the Commission with the results. I'll be more than happy to respond directly to Chairman Little Coyote on his request. Chairman Espy said the Commission can handle the signs quite easily. Director Lynch said that if there is a designated bus stop area that is off the road, generally those can be signed but to sign every bus stop is impossible. The buses stop at almost every roadway so you can't sign all the stops. Chairman Espy said there are buses from Lame Deer going to Ashland and Busby and buses from Busby going to Lame Deer. Ms. Burns said a vehicle ran into one of the buses a couple of years ago so a sign here and there would help – that is all we are asking. Chairman Espy asked if she brought a letter. Ms. Burns said she was waiting for a letter from transportation and would present it to the Commission as soon as she got it. Chairman Espy asked her to send a copy of the letter to Director Lynch also.

Flathead County Commissioner Dale Lauman, Kalispell

I would like to thank the Commission for holding the meeting in Kalispell. I hope our hospitality has been great. The smoke has cleared out and the weather is better. I would also like to thank Director Lynch for attending the meeting in Somers. At that meeting I stated I would like to create a localized safety committee for that section of highway, but since that point in time I've thought about creating a county safety committee and I would appreciate the blessings of this Commission and Director Lynch and that it would be considered a tool to help you to identify safety areas on the highway system. There are 1,100 miles of county roads that also have some safety issues.

Agenda Item 9: Speed Limit Recommendation for MT 16 – Plentywood South

Director Lynch said the last legislature passed legislation that changed the speed limit on US 93 from an area just north of Whitefish to the Idaho border. Two sessions ago they changed the speed limit from north of Whitefish to the Canadian border to 75 mph. When this legislation was passed the sponsor said their interest was not to change all the speed limits on US 93 to 70 mph; they recognized there were actions taken by this Commission to lower those speed limits and they also recognize the department has the responsibility to look at areas of that roadway that should not be raised to 70 mph. Since the legislation was passed MDT has spent a lot of time looking at areas on US 93 that were given the 65 mph speed limit back in 1999 when the Legislature set the speeds for the State of Montana to see if there are any actions this Commission needs to consider at either keeping them at 65 mph or even lowering them rather than raising it to 70 mph. So the Commission is going to see some speed recommendations here today and the reason for it was driven by this legislation.

Loran Frazier presented a speed limit recommendation for MT 16 just south of Plentywood. The recommendation is a 55 mph speed limit beginning at station 1144+00 two hundred feet south of the intersection of Gains Drive continuing south to station 1099 an approximate distance of 4,500 feet. The area is now posted at the statutory 70 mph. MDT recommends putting a 55 mph speed limit going south to Plentywood up to the 45 mph zone. We have letters of concurrence from both the Sheriff and the County.

Commissioner Howlett moved to approve the Speed Limit Recommendation for MT 16-Plentywood South. Commissioner Griffith seconded the motion. All four Commissioners voted aye.

The motion passed unanimous.

Agenda Item 10: Speed Limit Recommendation for Secondary 350, Homestead

Loran Frazier presented a speed limit recommendation through Homestead, Montana. MDT recommends a 45 mph speed limit at station 214 on Secondary 206 continuing west to station 182, an approximate distance of 1,600 feet. It is currently posted at 70 mph. MDT recommends a 45 mph speed limit going through the town of Homestead.

Commissioner Griffith asked if this recommendation had some gradual reduction. Loran Frazier stated there was no step-down on this recommendation. It would be from a reduction from 75 mph to 45 mph similar to Elliston, Montana. There is a sign warning people of a speed limit ahead similar to driving Hwy 200 by Garrison. We have a letter of concurrence from both the Sheriff and the County Commission.

Commissioner Griffith moved to approve the speed limit recommendation for Secondary 350-Homestead. Commissioner Winterburn seconded the motion. Four Commissioners voted aye.

The motion passed unanimous.

Agenda Item 11: Speed Limit Recommendation for U-1805 – Montana Street Butte

Loran Frazier presented a speed limit recommendation for Montana Street in Butte. MDT recommendation is to set a 35 mph speed limit beginning at the intersection of Rural Road down to Hanson Road, about 3,000 feet. The current stretch of Montana Street has no speed limit. An interim speed limit was set some time ago. We've completed the study. We have a letter of concurrence from the Office of the Chief Executive of Butte-Silver Bow County. This will tie in with the 35 mph speed limit both north and south of this section and makes Montana Street a 35 mph street.

Commissioner Griffith moved to approve the speed limit recommendation for U-1805 – Montana Street Butte. Commissioner Winterburn seconded the motion. All four Commissioners voted aye.

The motion passed unanimous.

Agenda Item 12: Speed Limit Recommendations for US 93 Selected Segments

Loran Frazier presented a speed limit recommendation for several selected segments of US 93. Because of the upcoming legislation that Director Lynch mentioned earlier MDT looked at those and picked segments of US 93. We looked at roadway age and design – if it is was designed before the 1980's. We looked at roadway width, traffic volume, and accident clusters, accident rates in that area and came up with several areas that we recommend some speed zones be enacted.

Sula to Conner – south of Darby on US 93 near the Idaho border; milepost 16-1/4 to milepost 23-1/4. This roadway was constructed in the 1930's and has narrow shoulders, steep slopes, and is a 7.15 mile section. We recommend retaining the 65 mph speed limit on that section.

The area between Hamilton and Victor – mile marker 50-59. Due to traffic volumes and driveways we recommend retaining the 65 mph posted speed limit. There is an existing speed limit through the town of Victor and we recommend leaving that the same.

North of Victor to the Stevensville Y. We recommend retaining the 65 mph speed limit beginning at mile post 50.4 to mile post 66.1. That ties into the speed zone adopted by the Commission a couple of meetings ago to lower the speed through the Stevensville Y area.

St. Ignatius to Ronan. There is an area just south of Ronan with an existing 55 mph speed limit and we would like to extend that further south to milepost 45 to encompass the Python Flick traffic areas.

Northwest of Whitefish. Milepost 129.9 to 133.0. This area runs from the limits of Whitefish up towards Tally Lake. It is an older section of road that is pretty narrow and has some curves. We recommend a special speed limit to include a 60 mph speed limit beginning at milepost 129.9 and continuing west to milepost 133.

We would ask that you consider putting these special speed limits in place on Hwy 93 and we will re-visit them in the future when we have the newly reconstructed segments in place.

Commissioner Griffith asked Loran about his phrase “leaving the speed limit at” does that mean not letting it raise by 5 mph per legislative mandate? Loran said that was correct. Commissioner Griffith asked if the speed limit was actually being reduced by 5 mph over what the legislature recommended. Loran said yes in those areas where they recommended retaining the 65 mph it seemed to be an appropriate speed limit for those sections of the road. In the other sections we went further extending the 55 mph in Ronan and then down to 60 mph by Whitefish. Commissioner Griffith said he appreciated the time the department spent on this action. US 93 is a difficult stretch of highway and there are obviously some portions that will change after reconstruction and will need to be re-evaluated. He felt the department had brought forward some very solid recommendations.

Chairman Howlett moved to approve the speed limit recommendation for the US 93 selected segments. Commissioner Winterburn seconded the motion. All four Commissioners voted aye.

The motion passed unanimous.

Agenda Item 13: Speed Limit for US 93 – South of Lakeside to MT 82.

Loran Frazier presented an additional request for US 93. The department would like to go through the process of establishing an interim speed limit between the intersection of MT 82 and US 93 into the town of Kalispell and in between Kalispell

and Whitefish. There is a process for setting the interim speed limit. MDT would like to get together with a member of the county and local government and review that and set an interim speed limit. Based on that recommendation and the flexibility of the law, we would like to go forward with that.

Director Lynch said there is still considerable construction taking place between Kalispell and Whitefish. Once the construction is finished there could be some differences but with the construction activity and with the installation of the light at Somers and the activity between Kalispell and Somers, additional studies need to be done on that roadway to bring a recommendation back to you. Under the statute that request has to come from the Flathead County Commissioners. Flathead County Commissioner Lowden said he was in agreement with that.

Commissioner Howlett moved to approve the speed limit recommendation for the US 93 south of Lakeside to MT 82. Commissioner Griffith seconded the motion. All four Commissioners voted aye.

Motion passed unanimous.

Agenda Item 14: Speed Limit Recommendation for US 191 – Gallatin Canyon MP 48 to MP 70

Loran Frazier presented a speed limit recommendation on US 191 in Gallatin Canyon from milepost 48 to milepost 70. Gallatin Canyon has been a topic of a lot of discussion. We looked at a portion of the canyon and came up with a 50 mph speed limit recommendation beginning at milepost 47.3 continuing north to milepost 61.5 just north of the Gallatin River Bridge an approximate distance of 14 miles. There is quite a bit of history that goes with this recommendation. Part of that history is trying to do something in several areas where people are driving in the 50 mph range (referring to graphic). They are scattered throughout this section. If you follow the 85th percentile, you would have a portion at 50 mph and a short stretch at 60 mph then another portion at 50 mph and another short stretch at 60 mph, etc. Instead of changing the speed limit multiple times, we are looking at a 50 mph recommendation through there.

The Gallatin County Commissioners sent us a letter stating they do not agree with reducing the speed in Gallatin Canyon; they believe in leaving the existing 60 mph speed limit in place. In that letter they state “accidents in the canyon can be attributed to many thing such as weather, condition of individual vehicles, insufficient number of turnouts, and lack of familiarity with the highway itself.” They do not feel the reduction in the speed limit would do anything to lower the number of accidents and may very likely contribute to an increase instead. They asked that we give strong consideration to their recommendation to leave the speed limit between mile markers 48 and 70 on US 191 at 60 mph. The man who made this recommendation is here today and we invited him to speak.

Director Lynch said the department was border line on reducing the speed limit. Any increase of traffic on that roadway may push into it but in fairness to the Gallatin County Commissioners and to the speed study, we are at the border line area. I personally attended four meetings in the Gallatin Gateway Community; two put on by the Department of Transportation and two that I was invited to speak to the community. The community itself is divided as to what is appropriate; there is a strong number who think the speed limit should be reduced and there is a strong number who think speed is not the problem but the people driving the cars. We could go one way or the other.

Commissioner Howlett said that MDT had put rumble strips in and asked if there had been any reductions in accidents in the no passing zones. Director Lynch said they had a lot of people praise the department for doing that. Some of the residents that live there are aware they make noise, and we've had a couple of complaints that the rumble strips are making too much noise and they can't sleep at night. But then again we know they are working. We still believe that was a very good move. There is also a paint product out now that can supposedly withstand snowplows but still make the same sound as a rumble strip.

Commissioner Griffith asked for clarification on the request. Loran showed the Commission a map and stated they were proposing putting in a 55 mph speed just south of the intersection at Big Sky. He showed the sections where the speed limit would apply. He was asked if they were currently posted at 60 mph. Loran stated they were still posted at 60 mph but they had advisory signs up on the curves. Director Lynch said they were on the borderline and the speed could go either way. Commissioner Griffith asked about the reference in the letter to the accident. Director Lynch said that accident happened at the mouth of the canyon and was due to bad road conditions and inappropriate tires and too fast a speed for the conditions.

Commissioner Griffith said he preferred to error on the side of safety. He stated that he appreciated the department taking a look at this on short notice. He recommended that the Commission concur with the department's request.

Loran Frazier said in conferring with the traffic and safety engineer, one option would be a 55 mph speed limit through there. We did not recommend that because it was only a 5 mph reduction, but it would fit in the area also. Commissioner Howlett asked if that was a recommendation. Loran said he was putting the option out there. Commissioner Howlett asked if people were driving the speed limit. Director Lynch said that in the days when there was no speed limit, there is data that says the Canyon traffic was doing somewhere around 61-64 mph. When President Carter lowered the speed limit to 55 mph, the speed study showed that the public was traveling 61-64 mph. When that law went out of effect and we went back to basic rule, the public was traveling 61-64 mph. We then put a 70 mph speed limit on with the legislative action in 1979, and the traveling public was driving 61-64 mph. With every speed change the traffic has maintained the same pace. In fairness to the department and the community, the reason we are bringing this to you is because we are starting to see a change in that pace in this particular area. We are actually starting to see the traffic slow down. That could be caused by (1) better information by the motorists driving it; (2) more regular motorists driving it because of commuter traffic between Big Sky and the Gallatin community and the Belgrade community, and (3) also the ADT – the impact of traffic has brought that speed limit down in that area. So it goes back to the presentation earlier, when we try to set speed limits at that pace. In fairness we are not quite there but we are close enough that we feel it wouldn't create a safety situation to lower it to that point. We also agree in some respects with the Gallatin County Commissioners that maybe it is a little bit early to do this. Based on the study we made this recommendation. We haven't seen a lot of change in the canyon other than in this area.

Commissioner Winterburn asked if the county wasn't in agreement with the recommendation what would the enforcement be? Director Lynch said most of the enforcement comes from the Highway Patrol and Sheriff and felt they would both enforce the speed limit as posted. It is a very difficult canyon to pull people over and the Highway Patrol has told the public that. The second thing that makes enforcement difficult is radio communication – because of the steep canyon walls the Highway Patrol sometimes can't communicate. There is a natural enforcement problem in that canyon. MDT years ago made an effort to change that and we were soundly defeated through the environmental process. You basically have a steep wall and a river with no way to expand – we can't do a lot with that roadway other than try and control it from a behavioral standpoint. Enforcement is mostly by the

Highway Patrol and County Sheriff. We have a reader board as you are entering the canyon advising drivers of the current road conditions. The message can be changed automatically from the office in Bozeman.

Loran Frazier said they collected speed data from July to November 2006. The pace is the same with slight reductions in some areas, i.e., 43 mph to 53 mph. Then just up the road a little bit the pace increases from 52 to 62 mph. Looking at the pace data and our before and after review showed that the 85th percentile speed was 55 mph and they speed up at milepost 64 they go up to 65 mph on the straight stretch. Then the speeds drop back down when the roadway narrows. We've got a variation in there somewhere between 50-60 mph. We may be a little early in lowering it to 50 mph and 55 mph fits that data nicely.

Commissioner Griffith said he would like to take another look at it and talk with the Commissioners before taking any action on this item. Director Lynch said that MDT would do some more research and communicate with the County Commissioners and come back to the Commission with the results. Commissioner Griffith said since there was no way to improve the roadway, it has to be traffic control and enforcement. Director Lynch said they paid for a Highway Patrolman in that area last summer and in four days they wrote 200 citations. They wrote just as many the first day as they did the last day. We figured with the presence of law enforcement the number of citations would get lower, but it didn't have any affect at all.

Commissioner Espy said the motion was withdrawn and the Commission would set the study aside and expect a recommendation at the next Commission meeting.

Agenda Item 15: Letting Lists

Loran Frazier presented the proposed letting list for the months of August, September, November and December 2007. The staff recommends the approval of the letting list.

Commissioner Howlett moved to accept the letting lists. Commissioner Winterburn seconded the motion. All four Commissioners voted aye.

Motion passed unanimous.

Agenda Item 16: Sletten Construction Appeal

Director Lynch stated that at the last Commission Conference Call, MDT had a design-build project to replace the MT 200 bridge on the dam removal. We had two bidders: Sletten Construction and Frontier West. We made the recommendation to award based on the criteria selection to Frontier West. In a design-build process there is another category in which contractors and design teams can be compensated for the work they do even if they are not awarded the project. In a design-build there is considerable design that has to take place. To protect the taxpayer and the department there is criteria that allow MDT to ultimately award a portion of that funding those designers are entitled to. That is called the stipend and in this case it was \$40,000. So if we had five bidders on a project each one would put together a design-build packet then the number one team selected would get the project and the other four would receive a stipend of \$40,000. There is a good reason for this because there is a tremendous amount of work that has to take place and the benefit far out exceeds the stipend. It is also there to protect it so that someone just doesn't put together a set of plans that don't meet requirements just to get the revenue; trying to make a quick way to make \$40,000.

In this particular case we had two bidders that made it to the final selection. We recommended the award which the Commission approved at the Conference Call. You also asked me to meet with our engineering team and look at what happened with the second bidder and determine which scenario took place and come back to you with a recommendation. In talking to the design-build team members, our chief engineer, and Federal Highways, we felt it was appropriate and our recommendation to the Commission is to award the stipend to Sletten Construction.

Loran Frazier said when you look at it in black and white with the rules set up for the design-build to award the stipend, if a bid was determined non-responsive, it is pretty clear we would recommend not awarding the stipend. The whole purpose behind the rules is simply to not have a firm come in and give us a very half-hearted proposal knowing they wouldn't get the award but use it as a way to spend \$5,000 of staff time to get \$40,000. We do not see that in this case. Sletten Construction gave us a technically sound proposal. The purpose of the rule is to keep someone from playing games and figuring out a way to pick up an extra \$15,000. Commissioner Winterburn said it encourages a company to do the right kind of homework before they bid and weeds out the nonsense. Loran said MDT is looking for good sound proposals.

Commissioner Howlett said the whole concept is so new that there are still a few bugs that are going to surface once in awhile. He said he looked at what was given to the Commission and didn't want to give the impression that the Commission was totally inflexible. This is a new concept and there may be contractors who might sense that inflexibility, and it may end up costing us more in the long run. I'm glad MDT went back and looked at this, I would ask that as we go forward that any projects that fit this category that we not be "post" but "pre" in terms of submission to the Commission for a recommendation. Loran said that MDT was under a very tight timeframe in trying to get this through. Director Lynch felt it should be "pre". Commissioner Howlett said he did not want to set a precedent that if the Commission was presented with some information in whatever form, it would be enough. He did not want this to be the precedent and asked how to avoid that. Director Lynch said it would have to be on a case-by-case basis and make recommendations based on what was in front of them. He said that could happen but in this case we don't feel that was the situation.

Deputy Director Curry said one of the difficulties that has come to light with the process is that we basically have a partnership with the designer who put forth a lot of effort and energy and a lot of money to put together a good product but it ultimately scored slightly lower than the other. Then you have the contractor who does the actual construction superimpose what amounted to the condition that created the problem. So you can rigidly enforce the responsive or non-responsive, or we can build some flexibility language into it. But it is one of those things where exceptions have a tendency to swallow the rule so my hope and my expectation would be that we probably won't see this again. But if it starts occurring on any kind of regular basis then we need to take a step back and look at the way we have designed the qualifications. If you read the history of this and how it all evolved, it looks to me like a plausible explanation. You can find that somebody who prepares a bid and the design team does all this work and does it very well, and the contractor for whatever reason could skew this entire process by simply saying "only if" and having a line on the bottom of their cover page that says "this is part of our bid." That is what happened here; I don't think it was intentional nor was it malicious. What Commissioner Griffith has raised is the spectrum that could happen and we will experience some growing pains in this. My experience after watching this for fourteen years, I don't think we will see this again but if we do I think the Commission will have to make some decisions.

Commissioner Griffith asked Loran about the purpose of the stipend, was it because their bid becomes the property of the department and therefore it is expected that there is something in their design that could be of use. Is there some value in their

bid that you may use on the project? Loran said the stipend was created for two reasons: (1) it takes a lot of time and effort to put together a design-build proposal, and by doing the stipend it keeps that competitive field open to several more rather than just one or two big firms that could absorb the cost; and (2) when you pay the stipend then the design ideas become the property of the department and can be used on any project. They did have some innovative ideas in their proposal that could be of use on this project or on others.

Sletten Construction said if there were no stipend in place, he didn't know if they could get people to work with them in the future. It would most likely kill them in terms of being able to participate in design-build in the future.

Lee Ebeling, President of Lacy & Ebeling Engineering, stated they were the Design Engineer for Sletten Construction. He thanked everyone for their comments. If it turns out there is a problem with this design-build process we would like to help work with MDT on this. You are absolutely correct, we had designed something and during the time when the technical proposal was submitted until the time when the contractor actually got the set of plans and set of specifications and put his cost estimate together, he discovered a constructability issue where we had used one kind of a piling and he realized there was a difficulty with it and he asked to change it after our submittal was already into MDT. We didn't have a mechanism for making that adjustment between the nine-day period when the technical proposal was due and the bid proposal was due, and that is the timeframe when the contractor has to put his plan together. So if anything we could work together with the Engineering Committee of MDT to figure out what kind of language, or some kind of a method for allowing that kind of issue to be addressed. I appreciate everything that has been said and we would be more than happy to help try and figure out a way to make that minor adjustment.

Mike Duman, also supports this decision. This stipend does not make them whole by any stretch of the imagination but it is an effort to make this an attractive program. It is a tool we need to have in our tool box. It is not an attempt to make the design firm's proposal whole but it is something to help them offset the effort they have to put into it.

Commissioner Espy said that this Commission was first presented with the idea of design-build; it was and still is a very exciting addition to our construction. I feel this stipend is probably the only reason they will continue to bid design-build because you have to get some part of your effort repaid if you are not awarded the contract. We have dealt with Sletten Construction for many years, and we certainly appreciate the relationship we've had with them and feel they are an outstanding company. I personally feel this stipend needs to be paid.

Commissioner Howlett moved to approve the staff recommendation for the Sletten Construction Appeal. Commissioner Winterburn seconded the motion. All four Commissioners voted aye.

Motion passed unanimous.

Agenda Item 17: 2008 Letting Dates

Loran Frazier proposed the following contract letting dates for approval by the Commission.

January 24, February 28, March 27, April 24,
May 29, June 26, July 31, August 28,
September 25, November 6, December 4

Staff recommends you approve them.

Commissioner Griffith moved to approve the 2008 letting dates. Commission Winterburn seconded the motion. All four Commissioners voted aye.

Motion passed unanimous.

Agenda Item 18: Certificates of Completion, March, April, May, June, 2007

Loran Frazier presented the Certificates of Completion for March, April, May, and June 2007. The staff recommends approval.

Commissioner Howlett moved to approve staff recommendations for the March, April, May and June Certificates of Completion. Commissioner Winterburn seconded the motion. All four Commissioners voted aye.

Motion passed unanimous.

Agenda Item 19: Change Orders

Loran Frazier presented the change order for March, April, May and June 2007 as follows:

<i>Month</i>	<i>Total</i>
March 2007	\$594,845.12
April 2007	\$1,919,231.15
May 2007	\$289,564.67
June 2007	\$476,092.17
Total	\$3,279,331.11

Loran pointed out one large change order on the project 4 km North of Stillwater. It is something the Engineers and Geo-tech people came up with basically to extend the project limits to do some settling over unstable soil. That change order amounts to \$127,000. We feel we will save double that amount on the future project when it is let by doing this work now while we are there. Even though there is a large change order on the project just north of Kalispell, we are going to make up that savings on the next project.

Commissioner Howlett moved to approve the staff recommendations for the March, April, May & June project change orders as presented. Commissioner Howlett seconded the motion. All four Commissioners voted aye.

Motion passed unanimous.

Agenda Item 20: Liquidated Damages STPP 81-1(15) 36 JCT US 191-West, SFCS-STPH 56(54) Safety Improvements Old US 312, CM 1889(13) & STPHS 1805(15): 1999 Signal Upgrade – Butte & 2002 Turn Bays-Butte

No action from the Commission was needed.

Agenda Item 21: Commission Discussion

Ft. Belknap MOU. Director Lynch told the Commission he did get the MOU signed at Ft. Belknap; the two bridges will go to bid in the next year.

Comprehensive Safety Plan. Director Lynch presented some information on the comprehensive safety plan – enforcement, education, engineering, and EMS. MDT has identified 16 high hazardous areas in the State of Montana and is in the process of informing the public on those areas. We are improving the process as we get feedback. That first meeting was held in Big Sky, the second was in Gallatin Gateway. That canyon road really has two different things going on and it was important to talk to the two different communities about what was happening in their area. The third meeting was held two weeks ago in Flathead County. These are two-hour meetings. We present a lot of statistical information, what is happening from an accident standpoint in their county compared to the cities in that county, and we also compare them to both state and federal statistics. In a lot of cases they are very similar to what is happening around the state. That is important because we are going to need to solve some of our highway traffic problems legislatively. We are seeing some similarities in the communities and if we begin to see those same similarities throughout the state, that gives us an indication of some legislative changes we can make. Legislation should be more global to affect the whole state.

Another benefit is that it informs the community because they play a very important role in traffic safety. We can put millions of dollars into infrastructure but it won't make a dent in the severity of accidents and the fatalities that happen due to a correction in behavior. One area of education is seat belt use. Seat belt use alone in the State of Montana will do more to protect lives and reduce the severity of injury than anything we can do from an infrastructure standpoint. That is something really simple; it takes a half a second to click it, and everybody has one. We are gaining some ground there. Again we are trying to develop a safety culture. We talk about safety improvements that we already have in the works. We talk about what is happening locally in law enforcement and inform the public about grants that may be available. We try to get some feedback from the EMS operations in the area. We ask what we can do from a transportation system standpoint; not just the infrastructure side but the community that is operating on it – what we can do to assist them when an accident occurs. They have a real problem in Montana because of the long response time not because the EMS personnel are not responsive, we have top notch EMS personnel in this state, but it takes a long time to get to an accident because of the size of the State and the number of EMS personnel we have. That is really important for the motoring public to understand because of the risk they take driving inappropriately on a roadway. If they get injured, the chances of surviving are a lot less than if you were in the middle of a city. Our average response time in Montana is 115 minutes; in Massachusetts it is 15 minutes. That is assuming somebody saw the accident when it happened; in some cases our response time comes after the accident is reported and that can be the next day.

This process is also educating the department; we are learning a lot about what is happening on our highways from a safety standpoint and we are going to carry that through the rest of the communities. Our next meeting is in the Butte community and it will deal with the interstate system. Half of the meeting will be our presentation and the other half is the involvement from the people sharing their ideas. It is nice to get community input and ideas. We involve them in the process and hopefully get ideas from them that we can carry back and develop a strategy to save lives and reduce accidents in the State of Montana.

Re-authorization. Re-authorization is right around the corner and there are tremendous efforts happening from donor states. They are tired of building roadways. A Senator from Texas was quoted as saying he was tired of sending his money to Washington DC to build roads in Montana and Wyoming. So there is a tremendous amount of pressure in this Country in the next re-authorization to steer the money away from rural areas and concentrate it on congestion, truck lanes,

bridges, etc. From a global standpoint that sounds real good, except the projects they want to steer the money into are not projects we will ever see in Montana. So we called a Summit of five rural states – North and South Dakota, Wyoming, Montana, and Idaho which was held in Billings. We are starting to develop strategies to represent the need to invest in the system. It is great to talk about congestion but only if it doesn't affect the system. The system has to be preserved throughout the entire United States. Sixty percent of our commercial traffic in Montana doesn't originate here and doesn't end here. We are a very strategic part of the transportation system in the US – it is commerce between Seattle and Chicago. We are a very important part. A lot of times individual states can get blinders on and only want to take care of what is happening in their state and disregard what is happening nationally. I think Montana has taken a tremendous step forward in leading that effort. I was able to testify in Minnesota before a congressional hearing where up to that point all they talked about was urban problems. We were able to get their attention and explain there is a real need in rural USA, particularly the importance of connectivity of the rural areas to the urban areas. So we are going to be making a strong hard push up to re-authorization and try to inform as many people as we can in the national organizations to make sure it includes protecting the system and connectivity of the rural areas. We've had conversations with our federal delegation. I met with the Montana Contractors Association and talked about some of the concerns we have and advised them about what they need to look at and make sure we don't all get caught up in this hype and at the end of the day have nothing for it. Those are areas we are currently working on and we will bring updates back to the Commission on a regular basis as we get closer to re-authorization.

It is important to note that the national organizations such as ARPTA and AGC are supporting this concept of congestion and are right on board with it. Even with our organization of AASHTO we have to fight very hard and we are very active in promoting the rural areas. There is a lot of talk about the Trust Fund and we have to be very careful as we move forward as a Country in determining how the Trust Fund is going to be funded and what is going to be funded from the Trust Fund. That needs to be looked at. There are a lot of programs being funded through the Highway Trust Fund and maybe this is the time to say no to some of that funding and limit that Trust Fund to infrastructure and let the General Fund address some of those other programs rather than going back to the citizens to ask for more gas tax dollars. Those are efforts we are pushing from the Montana Department of Transportation. If we don't look after ourselves I guarantee that Pennsylvania and Texas are not going to.

Special Session. We are hoping the Special Session will be a one-day session to deal with the emergencies and expenses the State has had in fighting the fires. There is money in the savings account; it is just a matter of transferring it to the checking account so the fire bills can be paid.

Fire Season. The Department of Transportation has been involved heavily in the fires. We had a major closure on Hwy 83 through the Swan; it took the efforts of MDT to convince federal agencies that closing the road is not the first thing to do. We've demonstrated the cooperation we will provide to these fire agencies to help them understand that closing the road should be the last thing you do – don't close off your transportation corridors in disasters. We showed them you can keep roads open and meet the evacuations needs and still fight the fires. There was talk about closing US 93 which would virtually have cut off northwestern Montana because the only other route was St. Regis which was also through a fire corridor. I commend MDT and the Montana Highway Patrol who jumped right on that. Duane Kailey's personnel got out there and gave opportunities to the fire-fighting teams to fight the fires from the edge of the roadway and still move motorists through safely and it was a good cooperative effort. We made some great progress in the fire season.

Director Lynch said he would be remiss if he didn't mention Doug Molar with the MDT Maintenance Bureau. I spent a lot of time with him in the Black Cat Fire and I was extremely impressed with his rapport and the avenues he has created between agencies and the credibility he has was another reason we were successful in demonstrating that you don't need to close highways in disasters.

Appreciation expressed for Chairman Kennedy. Commissioner Howlett expressed his appreciation to Chairman Kennedy who is no longer a part of the Commission. I would like the Department to consider inviting him to a meeting so we can give him a token of our appreciation for his leadership and counsel he provided over the last couple of years. Director Lynch said that Bill Kennedy had resigned from the Transportation Commission. He is a very active member of the Billings community and a Yellowstone County Commissioner and is involved in a lot of local groups that take much of his time plus he is also running for the US Congress and he felt he needed to focus on taking care of Yellowstone County and work on his congressional seat. He felt it was in the best interest of his community, himself, and us that he resign. Commissioner Howlett said that in respect for Chairman Kennedy he was mentioning Shiloh Road

Commissioner Espy said the Commission would like to have a letter written to Bill Kennedy thanking him for his service to this Department and that he will be missed. He added a wonderful element to this Commission.

Wildflowers. Commissioner Griffith said that since our last meeting Ladybird Johnson had passed away. While most of us don't remember very many positive things about her husband, we on the Highway Commission, know a lot of good things happened because of Ladybird Johnson including the signs and also the flowers. One of the programs she created was .25 percent of every dollar that comes into Montana has to be spent on wildflowers. To be honest I haven't seen many of those wild flowers in the Butte Division. He said he would make it a personal goal to make sure wildflowers grow in the Butte Division. I would like to find out where we are spending our wildflower money because it is specific to wildflowers. Director Lynch said he would look into that. Bozeman has wildflowers blooming along the road. Loran Frazier said there were some flowers growing along Hwy 93 until the county road department sprayed them all. Commissioner Griffith said back in the 1890's in the Summit Valley in Butte words written by the Nez Pierce who settled the valley said the whole Summit Valley was nothing but Aspen trees. So things can grow in Butte. We should do something to get it back when Aspens were growing.

Highway Dedications. Director Lynch said they had a great dedication of the Robert Ewing Highway. The Commission approved dedicating a portion of Interstate 90 to Robert Ewing, a long-time state employee who was responsible in the early days for engineering almost every roadway in the State of Montana. We dedicated a section of that highway in his memory. His wife was there as well as his family and it was a big event. Lori said we would have a lot of people on the interstate and it might be safer to have it indoors. That proved to be a good idea because the day of the dedication it poured rain. It was a big event; a lot of people showed up; we presented the signs and they are up.

We made another dedication to Kyle Bjornson, Private First Class United States Army, out of Phillipsburg. He was killed in action in Iraq. His family asked if they could dedicate a bridge, a secondary highway over Rock Creek, where he loved to go fish and hunt and play when he was kid. His family farms around that particular area. That too was a very rewarding event.

Agenda Item 22. Public Comment

Mike Quinn from Woods Bay addressed the Commission. He was representing the people of Woods Bay on the east shore of Flathead on Hwy 35, between milepost 27 on the north and milepost 25 on the south. Our concern is that we have a 35 mph speed through town and it is not working very well. We would like to see some flashing yellow lights at the 35 mph sign. It is a dangerous place down there; there are about a dozen businesses throughout that stretch and the highway is real narrow and people are backing out of driveways; there are a couple of blind corners; and there are more people moving in all the time. We would really like to see some flashing yellow lights. We would like to see something done about the Jake brakes because they are just shaking the houses through there. How do we get that on the agenda before the Commission? I've sent a petition to the Lake County Commissioners and they are preparing something to send to you. I thought I would bring it before you. It is just an accident waiting to happen.

Tony Walzenback from Woods Bay said when you are driving along the east shore in Woods Bay, there are probably 300 plus skid marks on the highway. There are so many near misses per day that it is just amazing. In the winter it is even more dramatic because of the black ice. To the department's credit, they treat the ice with regularity but nonetheless it is a pretty dramatic spot. Woods Bay is not an incorporated city but neither is Lakeside but we do have numerous businesses, three hotels, a brewery and several bars, and people back out of the businesses right onto the highway. Those of us who live there have personally been involved in dozens of near misses and know that it is just a matter of time. There is a bus stop there that complicates it. So if we could get some type of signage, i.e., 35 mph zone ahead. If we could work with the Department to get a community sign saying you are now entering a town. Before I moved to Woods Bay I would drive through there and never realize there was a town there. So some kind of signage would help and might avert a disaster. Everybody walks and bikes and jogs it, four-wheelers are going up and down the sides of the road and it is a pretty dramatic impact on that little section of highway. If we can give people notice it would help.

Commissioner Espy said he had taken the appropriate first step in notifying the County Commissioners. They will bring that request to us but you may need to remind them. Tony said they are putting together a package to present to the Commission.

Concerning Jake brakes, Director Lynch said that four sessions ago the Legislature took that regulation out. The legislation now says that all exhaust breaks must be muffled but that doesn't mean they can't use them under the current law in the State of Montana. You might want to work with your local legislator to see if you can get that law put back into effect. In Lakeside and Somers, the department has signed the hills with the wording "exhaust breaks must be muffled." We would be more than happy to do that in the Woods Bay area. Jake breaks themselves are not illegal in the State of Montana; they are only illegal if they are not muffled. There used to be a law that made them illegal near municipalities but that legislation was reversed four sessions ago.

The Flathead County Commissioners thanked the Commission for enacting the 55 mph speed limit on Hwy 93 in Somers-Lakeside area. We look forward to working with you on other problems and issues in Flathead County US 93 north and any other issues that may come forth. Thank you for coming to the Flathead area and we hope you enjoyed your stay. We appreciate your dedication and work on behalf of all of us and hope to have an open dialogue with you in the future. Have a safe journey home.

Director Lynch thanked the Commission for coming to the Flathead Valley and seeing some of the area where he grew up and some of the transportation needs facing US 93, not just in the Flathead, but also through Missoula and south Hamilton.

Agenda Item 23: Next Commission Meeting

Commissioner Espy stated there was a Conference Calls slated for September 10th, and P-3 Presentation on September 20th, another Conference Call on October 5th, and TCP the Week of October 15th. The next regular Commission Meeting is set for October 19th.

Commissioner Espy welcomed Kevin McLaury, FHWA, to Montana. Kevin said he was looking forward to working with Jim Lynch and the Department as well as the Commission for many years to come. Commissioner Espy thanked Director Lynch for his hospitality.

Adjourned: Commissioner Espy adjourned the meeting.

Commissioner Espy, Acting Chair
Montana Transportation Commission

Jim Lynch, Director
Montana Department of Transportation

Lori K. Ryan, Secretary
Montana Transportation Commission